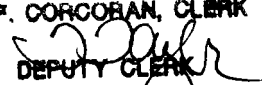


IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA
ROANOKE DIVISION

JUN 13 2008

JOHN F. CORCORAN, CLERK
BY: 
DEPUTY CLERK

UNITED STATES OF AMERICA,)	Criminal Action No. 7:98-cr-00026-2
)	
v.)	<u>2255 FINAL ORDER</u>
)	
DENNIS A. MCCARTHY.)	By: Samuel G. Wilson
)	United States District Judge


For the reasons stated in the accompanying Memorandum Opinion, it is hereby

ORDERED and ADJUDGED

that McCarthy's motion (Docket #86) is **CONSTRUED** as a motion to vacate, set aside or correct sentence, pursuant to 28 U.S.C. § 2255; the § 2255 motion shall be and hereby is **DISMISSED** without prejudice as successive; and the case is hereby **STRICKEN** from the active docket.

The Clerk is directed to send copies of this Order and the accompanying Memorandum Opinion to the parties.

ENTER: This 13th day of June, 2008.



United States District Judge